

OFFICE OF THE LIEUTENANT GOVERNOR

Election Issues for Consideration by the Government Operations and Political Subdivisions Interim Committee
June 17, 2009

Clean-up issues

- The Election Code section dealing with midterm vacancies in the office of lieutenant governor (20A-1-504(2)) should be modified to match the new constitutional provision requiring senate consent to the governor's nominee.
- With the passage of the statute requiring voters to show identification at the polls, section 20A-3-305(3) has become obsolete. The official register no longer indicates that first time voters must show identification because all voters must show identification at the polls.

Policy issues

- The Election Code currently provides only criminal processes for addressing election law violations. Does the legislature wish to create an administrative process for resolving election complaints?
- Utah Code section 20A-2-104(2) requires county clerks to keep voter registration forms in a permanent file. The statewide voter registration database has a limited capacity to store images of voter registration forms. As voters change names, addresses, and political party affiliation, the number of permanently retained records grows. Would the legislature consider modifying the retention requirement so that older obsolete records may be discarded?
- The legislature may wish to consider modifying section 20A-5-400.5(3):
 - The subsection appears to give unilateral authority to a local district or school district to require a county clerk to conduct a special election on a date when no other election is scheduled. Perhaps the county/municipal legislative body should assent to the clerk/recorder providing services for the local district or school district.
 - Use of "municipality" is confusing in this subsection. It appears to refer to local districts and school districts as well as cities and towns.
- The voter registration form specified in 20A-2-104 appears to permit applicants to supply the number of driver licenses or identification cards issued by other states. In light of recent changes to Utah driver license and voter identification laws, does the legislature wish to specify that applicants must supply a Utah driver license or identification card number? Applicants who do not have either a Utah driver license or identification card may provide the last four digits of their Social Security Number for county clerks to use in verifying the applicant's identity.
- The financial disclosure reports filed by corporations (20A-11-701) and political issues committees (20A-11-802) must include all transactions that occur within three days of the August 31 and seven-days-prior-to-the-general-election reports. All other reporting entities (20A-11-204, 303, 507, 602, and 1303 and 20A-12-305) must include transactions that occur within five days of the reporting deadline. Does the legislature wish to make these requirements consistent?
- With recent changes to 20A-3-104, voters who do not present valid voter identification at the polls may present their identification in-person within five days at the office of the county clerk.
 - The canvasses for municipal primary elections occur three to seven days after Election Day (rather than seven to fourteen days as in all other elections) in order to accommodate the short interval prior to the general election. Should the deadline for presenting valid voter identification be shortened to three days in the case of municipal primary elections?
 - In municipal elections or special elections conducted by an election officer other than the county clerk, should voters be permitted to present valid voter identification to the election officer who administers the election?
- Many local governments now employ non-traditional business hours. Some Election Code sections governing declarations of candidacy (17B-1-306(4) and 20A-9-203(2)) appear to prohibit candidates from filing declarations of candidacy after 5 p.m. even if the election officer's normal business hours extend beyond 5 p.m. Does the legislature wish to clarify this directive?

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Notary Public Issues for Consideration by the Government Operations and Political Subdivisions
Interim Committee
June 17, 2009

- Notaries and the general public frequently mistakenly think that a notarial seal and signature are sufficient to notarize a document. The legislature may wish to clarify the statute so that notaries understand that jurat, acknowledgement, or copy certification statements are required when they notarize documents.
 - Notaries sometimes omit material information such as dates and the names of those whose signature they witness. Please consider adding language to the code that will help notaries understand the information that they should include in notarial certificates in order to avoid confusion and deception.